

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MELVYN LEE HOLBROOK,

Plaintiff,

vs.

JACK PALMER, *et al.*,

Defendants.

3:12-cv-00195-RCJ-WGC

ORDER

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. Petitioner has submitted an application for leave to proceed *in forma pauperis* and a civil rights complaint. (ECF Nos. 1, 4.) The matter of the filing fee was temporarily deferred. Plaintiff was directed to file an amended complaint no later than November 12, 2012. That date has passed and no amendment has been filed and plaintiff has not contacted the Court to obtain additional time or provide any additional information. Therefore, the *in forma pauperis* application shall be review and decided and the matter shall be dismissed.

Based on the information provided by Plaintiff regarding his financial status, the Court finds that Plaintiff is unable to pre-pay the entire filing fee in this action. *See* 28 U.S.C. § 1915(b)(1).

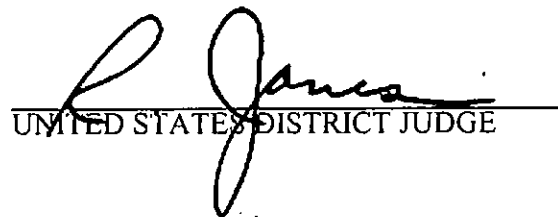
1 **IT IS ORDERED** that Plaintiff's Application to Proceed *in Forma Pauperis* is **GRANTED**.
2 Plaintiff shall not be required to pay an initial partial filing fee. However, even if this action is
3 dismissed, the full filing fee must still be paid pursuant to 28 U.S.C. § 1915(b)(2).

4 **IT IS FURTHER ORDERED** that the Plaintiff herein is permitted to maintain this action to
5 conclusion without the necessity of prepayment of any additional fees or costs or the giving of
6 security therefor. This Order granting *in Forma Pauperis* status shall not extend to the issuance of
7 subpoenas at government expense.

8 **IT IS FURTHER ORDERED** that, pursuant to 28 U.S.C. § 1915(b)(2), the Nevada
9 Department of Corrections shall pay to the Clerk of the United States District Court, District of
10 Nevada, 20% of the preceding month's deposits to Plaintiff's account (inmate #74173), in the
11 months that the account exceeds \$10.00, until the full \$350 filing fee has been paid for this action.
12 The Clerk of the Court shall send a copy of this Order to the Finance Division of the Clerk's Office.
13 The Clerk shall also send a copy of this Order to the attention of the Chief of Inmate Services for the
14 Nevada Department of Corrections, P.O. Box 7011, Carson City, NV 89702.

15 **IT IS FURTHER ORDERED** that the Clerk of the Court shall file the Complaint, which is
16 **DISMISSED WITH PREJUDICE**. The Clerk shall enter judgment accordingly.

17 Dated this 30th day of January, 2013.
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UNITED STATES DISTRICT JUDGE